

# Notice of Allowability

Application No.

09/781,795

Examiner

Frank Vanaman

Applicant(s)

RUPPERT ET AL.

Art Unit

3618

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the brief filed March 1, 2005.
2. ☒ The allowed claim(s) is/are 23-31, 33-41, 43-46, 48-55, 57 and 58.
3. ☒ The drawings filed on 12 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's ~~Amendment~~ / Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Response to Arguments**

1. Applicant's arguments, presented in the Brief, have been carefully considered and are persuasive. As regards the references to Anglada, whilst recognizing that a motivation may come from a teaching other than that specifically set forth in the prior art, and be properly applied, the examiner agrees that in this case, the combination with the reference to Varela may not be maintained at least for the reason that the Anglada reference would be considered functional on its own. The addition of the further planetary gears may be beneficial for the accommodation of a motor different than that anticipated by Anglada, but again, there is no teaching for such a replacement. The examiner agrees that there is no precise teaching as to how such a gearset would be added to either of the Anglada references. As regards the reference to Roe, applied earlier in prosecution, the examiner notes that a reversal of the planetary gearset and bevel gear-set would not be an obvious rearrangement inasmuch as the planetary gearset must be positioned closely proximate the motor outputs in order to collect and combine the outputs of the two motor shafts, *before* being turned through a right angle. Also of note is the reference to Froesch (cited below) which teaches an arrangement not unlike that of applicant's, but fails to teach a pair of planetary gear sets arranged to drive separate wheel hubs; while Froesch teaches a differential drive arrangement, the reference would not be suitable for modification to include a pair of planetary gear-sets in addition to the other limitations set forth in the independent claims.

### **Allowable Subject Matter**

2. Claims 23-31, 33-41, 43-46, 48-55, 57 and 58 are allowed.

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Froesch (US 1,660,669) teaches a right-angle electric motor drive with a differential gear arrangement.

4. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for

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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326  
After Final Amendments: 703-872-9327  
Customer Service Communications: 703-872-9325

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



5/4/05